

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
JIMMIE MECCYA WILLIAMS,

Plaintiff, 05 Civ.5909 (HB)

- against -

**AFFIDAVIT FOR
CERTIFICATE OF DEFAULT**

TADD LAZARUS, M.D., P.C., ET AL., and ST.
CLARE'S HOSPITAL AND HEALTH CENTER,
Defendants.

-----x
STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Joshua R. Geller, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and am associated with the firm of Simpson Thacher & Bartlett LLP, attorneys for plaintiff in the above-entitled action, and I am familiar with all the facts and circumstances in this action.
2. I make this affidavit pursuant to Rule 55.1 of the Local Civil Rules for the Southern District of New York, in support of plaintiff's application for the issuance of a clerk's certificate of default judgment against defendant Dr. Tadd Lazarus.
3. This is an action to recover damages owed by defendant Dr. Tadd Lazarus to plaintiff for negligence and medical malpractice.
4. Jurisdiction of the subject matter of this action is based on diversity jurisdiction.
5. This action was commenced on June 27, 2005 by the filing of the summons and complaint. A copy of the summons and complaint was served on defendant Dr. Tadd Lazarus

on December 23, 2005 by personal service on "J. Brown, Clerk", and proof of service by the U.S. Marshals Service was filed on January 26, 2006. The defendant Dr. Tadd Lazarus has not answered the complaint and the time for Dr. Lazarus to answer the complaint has expired.

6. Upon information and belief, defendant Dr. Tadd Lazarus is not a minor, mentally incompetent nor in the military service of the United States.

WHEREFORE, plaintiff requests the issuance of a certificate of default against defendant Dr. Tadd Lazarus.

Dated: October 5, 2006
New York, New York

SIMPSON THACHER & BARTLETT LLP

By: Joshua R. Geller
Joshua R. Geller, Esq.
425 Lexington Avenue
New York, New York 10017-3954
Telephone: (212) 455-2000
Facsimile: (212) 455-2502

Attorneys for Plaintiff

Sworn to before me this 5th
day of October, 2006.
Rose Marie M. Lyn Shue
Notary Public

ROSE MARIE M. LYN SHUE
NOTARY PUBLIC, State of New York
No. 011Y6087719
Qualified in Queens County
Commission Expires March 31, 2007